

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LATONYA LEFEBVRE,

Plaintiff,

and

SOUTHEAST MICHIGAN SURGICAL
HOSPITAL, LLC,

Plaintiff-Intervenor,

Case No. 14-cv-13312
Honorable Gershwin A. Drain

v.

CITIZENS INSURANCE COMPANY
OF THE MIDWEST,

Defendant.

/

**ORDER DENYING DEFENDANT'S MOTIONS TO
CONSOLIDATE CASES [#12, 16] AND SEEKING
CLARIFICATION FROM DEFENSE COUNSEL**

Presently before the Court are two Motions to Consolidate Cases by Defendant Citizens Insurance Company of the Midwest. *See* Dkt. Nos. 12, 16. The Court DENIES these Motions in light of its recent decisions to remand *Fountain Park Pharmacy v. The Hanover Insurance Company*, case number 14-cv-14657 and *Central Home Health Care Services v. Citizens Insurance Company of the Midwest*, case number 15-cv-10240.

Additionally, the Court seeks clarification following this Court's January 21, 2015 Status Conference at 10:30 a.m. The Court received a call from Defense Counsel's law firm indicating that she would be tardy to the conference because she was at the Mediation Tribunal. For

whatever reason, Defense Counsel never appeared.

Instead, Defense Counsel was purportedly “replaced” by a Mr. Sante Fratarcangeli. Mr. Fratarcangeli indicated that he had filed a notice of appearance with the Court and would be representing the Defendant in this matter moving forward. During the Status Conference the Court became aware that Mr. Fratarcangeli had not, in fact, filed a notice of appearance. After bringing this to Mr. Fratarcangeli’s attention, Mr. Fratarcangeli informed the Court that he would file a notice of appearance “immediately,” since he would be replacing Defense Counsel.

Not only has Mr. Fratarcangeli *still* not filed a notice of appearance with this Court, it appears Mr. Fratarcangeli was also mistaken in his assertion that he would be replacing Defense Counsel, because the day after the Status Conference, Defense Counsel—who the Court was under the impression was no longer involved in this case—filed the latest Motion to Consolidate. *See* Dkt. No. 16. The Court would like clarification as to who, exactly, is representing the Defendant in this action.

If Mr. Fratarcangeli is replacing Defense Counsel in this action, then he needs to immediately file a notice of appearance with this Court. Mr. Fratarcangeli will not be allowed before this Court again without filing a notice of appearance. The Court scheduled the Status Conference in order to resolve a serious matter regarding the Parties in the case. The Court wanted Defense Counsel present at the Status Conference because of her previous discussions with Plaintiff’s Counsel. It did not appear Mr. Fratarcangeli was aware of Defense Counsel’s previous discussions with Plaintiff’s Counsel. This undercut the Court’s ability to have the Parties work out issues at the Status Conference.

Accordingly, the Court DENIES Defendant’s Motions to Consolidate Cases. *See* Dkt. Nos. 12, 16.

Additionally, the Court HEREBY ORDERS Defense Counsel to file a statement no later than January 30, 2015, providing clarification to the Court as to whom, exactly, is representing the Defendant in this action.

SO ORDERED.

Dated: January 27, 2015

/s/Gershwin A Drain

Hon. Gershwin A. Drain

United States District Court Judge